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May 5, 2011

*Via ECF and FedEx*

Honorable Madeline C. Arleo, U.S.M.J.  
United States District Court for the District of New Jersey  
M.L. King, Jr. Building & U.S. Courthouse  
50 Walnut Street  
Newark, NJ 07101

**Re: BanxCorp v. Bankrate, Inc., Civ. No. 07-3398-SDW-MCA**

Dear Judge Arleo:

We represent Plaintiff BanxCorp and write regarding the scheduling of depositions.

Document production is expected to be completed by the parties on or about May 9<sup>th</sup>. Furthermore, consistent with Your Honor's October 6, 2010 Scheduling Order, recently re-affirmed by the Honorable Judge Susan D. Wigenton's April 29, 2011 Order, discovery should be completed by June 1, 2011.

Arguably, the commencement of depositions has already been authorized *de facto* as a result of the deposition of Plaintiff's CEO ordered by the Court on April 4, 2011. We have repeatedly asked Defendant's counsel to take under advisement our request to schedule depositions by mutual consent within the timeframe provided under the existing Scheduling Order.

Accordingly, we request permission from the Court to schedule Defendant's depositions during the second half of May.

Respectfully submitted,



Mordechai I. Lipkis  
*Admitted Pro Hac Vice*

s/Lawrence C. Hersh  
Lawrence C. Hersh

cc: All Counsel of Record